

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION**

**CRIMINAL CASE NO. 1:05cr273**

**UNITED STATES OF AMERICA,** )

)

)

**vs.**

)

)

)

**DAVID HUGHES.**

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)

**ORDER**

**THIS MATTER** is before the Court on the Defendant's motion for leave to withdraw his plea of guilty and to set aside his plea agreement. The Government has responded that it has no objection to the motion but requests that the issues raised in the motion be made the subject of a motion to suppress. No such motion has yet been filed.

The Court finds that an evidentiary hearing on the issues is warranted.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion for leave to withdraw is deferred until a hearing is conducted on the issues raised in the motion.

**IT IS FURTHER ORDERED** that the matter is scheduled for a hearing on Wednesday, December 27, 2006 at 11:00 a.m. in the United States Courthouse, 100 Otis Street, Asheville, North Carolina 28801.

Signed: December 21, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

